

Approved

JAMES MCMAHON  
Assistant United States Attorney

Before: HONORABLE LISA MARGARET SMITH  
United States Magistrate Judge  
Southern District of New York

- - - - -X  
UNITED STATES OF AMERICA : SEALED COMPLAINT  
v. : Violation of  
JOSEPH KRZEMINSKI, : 18 U.S.C. §§ 1512(b)(3),  
Defendant. : 1513(b)(2)  
COUNTY OF OFFENSE:  
WESTCHESTER  
- - - - -X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL MAZZUCA, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE  
(Witness Tampering)

From on or about October 28, 2013 through on or about October 31, 2013, in the Southern District of New York, JOSEPH KRZEMINSKI, the defendant, knowingly used intimidation, threatened, and corruptly persuaded another person, and attempted to do so, and engaged in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, to wit, KRZEMINSKI threatened to assault the Acting Chief of the Port Chester Police Department to prevent the Acting Chief from providing information to the Federal Bureau of Investigation regarding the Port Chester Police Department.

(Title 18, United States Code, Section 1512(b)(3).)

COUNT TWO  
(Retaliating Against a Witness)

From on or about October 28, 2013 through on or about October 31, 2013, in the Southern District of New York, JOSEPH KRZEMINSKI, the defendant, knowingly threatened to cause bodily injury to the Acting Chief of the Port Chester Police Department (the "Acting Chief") with intent to retaliate against the Acting Chief for information relating to the possible commission of a Federal offense given by the Acting Chief to a law enforcement officer, and attempted to do so, to wit, KRZEMINSKI threatened to assault the Acting Chief in retaliation for the Acting Chief's provision of information to the Federal Bureau of Investigation regarding the Port Chester Police Department.

(Title 18, United States Code, Section 1513(b)(2).)

The bases for deponent's knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent of the Federal Bureau of Investigation and have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officials and others and my examination of reports and documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. JOSEPH KRZEMINSKI, the defendant, has been the Chief of the Port Chester Police Department for approximately the last 17 years. KRZEMINSKI is now under unpaid suspension.

3. Since early September, 2013, the Federal Bureau of Investigation has been investigating a theft of more than \$26,000 in cash from one of the evidence rooms at the Port Chester Police Department headquarters. Since that time, the investigation has expanded to encompass additional matters. I am the case agent who has the primary responsibility for that investigation.

4. Documents I have obtained from the Village of Port Chester show that on or about September 5, 2013, the Board of Trustees of the Village of Port Chester, which oversees the Police Department, directed JOSEPH KRZEMINSKI, the defendant, "not to exercise any of

the authority, responsibilities and duties associated with being the Chief of Police" until the Board approved his return to duty. The Board of Trustees appointed a Captain of the Port Chester Police Department to the position of Acting Chief.

5. I have spoken with the Acting Chief, who has provided me with information about the cash missing from the evidence room and other matters. The Acting Chief has said to me in substance and in part that:

a. prior to early September, 2013, JOSEPH KRZEMINSKI, the defendant, was directed by his superiors to report the missing cash to an outside law enforcement agency for further investigation;

b. after assuming his current position, the Acting Chief learned that KRZEMINSKI reported the missing cash to the FBI as directed by the Village Manager but did not report other thefts from the Port Chester Police Department earlier in 2013, including the theft of other evidence and additional property from the Department, all of which had been stored in secured locations;

c. the Acting Chief reported these and other matters to the FBI and provided the FBI with a folder he found in KRZEMINSKI's office that contained confidential information regarding a particular corruption investigation (the "Folder");

d. on or about October 24, 2013, KRZEMINSKI called the Acting Chief and asked that the Folder be returned to him. The Acting Chief refused to provide the Folder to KRZEMINSKI;

e. At approximately 6:00 PM on October 28, 2013, KRZEMINSKI came to the Acting Chief's home in Port Chester and forced his way inside. KRZEMINSKI shouted that the Acting Chief was a "rat" and a "rat bastard." KRZEMINSKI also stated to the Acting Chief "who do you think you are telling those people what's going on?" and further said that the Acting Chief did not have the authority to make such reports. KRZEMINSKI also stated in substance and in part that he would fire the Acting Chief when KRZEMINSKI returned to duty; and

f. During this encounter, KRZEMINSKI put his hands on the Acting Chief's shoulders near his neck. At another point during the encounter, KRZEMINSKI made a fist and cocked his arm as if he intended to strike the Acting Chief.

6. On or about October 28, 2013, JOSEPH KRZEMINSKI, the defendant, placed a call to the Port Chester Police Department and stated in part to a supervisory police officer that "if [the Acting Chief] doesn't think I'm coming back he's dreaming" and that "the

first thing I'm gonna do is retaliate against him." KRZEMINSKI further explained that when he returned to work he would immediately place the Acting Chief on unpaid leave. KRZEMINSKI repeatedly told the supervisory police officer to tell the Acting Chief what he had said.

7. On October 31, 2013, a judge of the Port Chester Village Court issued an order of protection ordering JOSEPH KRZEMINSKI, the defendant, to stay away from, and refrain from any communication with, the Acting Chief and his wife.

8. On or about October 31, 2013, JOSEPH KRZEMINSKI, the defendant, called the FBI's office in White Plains. When I returned the call, I advised KRZEMINSKI that a federal grand jury and the FBI were conducting an investigation of the missing cash and that the grand jury had issued a subpoena as part of its investigation. KRZEMINSKI acknowledged that he was aware that the FBI had been conducting an investigation.

9. I have reviewed the contents of the Folder. It contains evidence of a confidential corruption investigation being conducted by another law enforcement agency. According to a representative of that other agency, there is no reason for JOSEPH KRZEMINSKI, the defendant, to be in possession of the evidence contained in the Folder. In addition to giving me the Folder, the Acting Chief has reported information to me regarding the theft of the evidence and property from the Port Chester Police Department earlier this year.

10. The Port Chester Village Board met in the late afternoon of October 31, 2013. As the Board was about to go into executive session, JOSEPH KRZEMINSKI, the defendant, entered the room. When the Mayor and Village Manager asked KRZEMINSKI to leave the meeting, KRZEMINSKI refused. After the Acting Chief warned KRZEMINSKI that he would be arrested if he did not leave, KRZEMINSKI stated "Go fuck yourself. Don't you tell me you gonna arrest me." KRZEMINSKI then stated "Let me tell you what this scumbag did to me." The Acting Chief then directed police officers who were present to arrest KRZEMINSKI. KRZEMINSKI resisted arrest but was handcuffed and removed.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of JOSEPH KRZEMINSKI, the defendant, and that he be arrested and imprisoned or bailed as the case may be.

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SPECIAL AGENT MICHAEL MAZZUCA  
Federal Bureau of Investigation

Sworn to before me this  
4th day of November, 2013

HON. LISA MARGARET SMITH  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK